calculation of any late enrollment penalty under the Medicare part D prescription drug program and to provide for additional funding for State health insurance counseling program and area agencies on aging, and for other purposes.

S. 2811

At the request of Ms. STABENOW, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2811, a bill to amend title XVIII of the Social Security Act to extend the annual, coordinated election period under the Medicare part D prescription drug program through all of 2006 and to provide for a refund of excess premiums paid during 2006, and for other purposes.

S. 2831

At the request of Mr. LUGAR, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2831, a bill to guarantee the free flow of information to the public through a free and active press while protecting the right of the public to effective law enforcement and the fair administration of justice.

S. 2855

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2855, a bill to amend the Safe Drinking Water Act to eliminate security risks by replacing the use of extremely hazardous gaseous chemicals with inherently safer technologies.

S.J. RES. 12

At the request of Mr. HATCH, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S.J. Res. 12, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S.J. RES. 35

At the request of Mr. BYRD, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S.J. Res. 35, a joint resolution proposing an amendment to the Constitution of the United States to clarify that the Constitution neither prohibits voluntary prayer nor requires prayer in schools.

S. CON. RES. 71

At the request of Mr. AKAKA, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Con. Res. 71, a concurrent resolution expressing the sense of Congress that States should require candidates for driver's licenses to demonstrate an ability to exercise greatly increased caution when driving in the proximity of a potentially visually impaired individual.

S. RES. 224

At the request of Mr. DEWINE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 224, a resolution to express the sense of the Senate supporting the establishment of September as Campus Fire Safety Month, and for other purposes.

S. RES. 462

At the request of Mr. GRASSLEY, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Res. 462, a resolution designating June 8, 2006, as the day of a National Vigil for Lost Promise.

S. RES. 469

At the request of Mr. MCCAIN, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. Res. 469, a resolution condemning the April 25, 2006, beating and intimidation of Cuban dissident Martha Beatriz Roque.

AMENDMENT NO. 4076

At the request of Mr. ENSIGN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of amendment No. 4076 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 2919. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to establish a Director of the Pension Benefit Guaranty Corporation and the Internal Revenue code of 1986 to increase certain penalties, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I am pleased to join my distinguished colleague from Iowa, Senator GRASSLEY, to introduce a bill making the position of executive director of the Pension Benefit Guaranty Corporation, or the PBGC, subject to the advice and consent of the Senate.

Quite frankly, I was surprised to find out that this important position is not subject to Senate approval. The Secretary of Labor, the Chairman of the PBGC, simply appoints the executive director. This is too important a position not to be subject to Senate oversight.

Jurisdiction over the PBGC rests with both the Committee on Finance and the Committee on Health, Education, Labor, and Pensions, the HELP Committee. To recognize this, our bill would require both committees to approve the director.

The Finance Committee, the HELP Committee, and indeed the entire Senate have spent considerable time over the last few years fighting to protect the pensions of millions of workers. And the deficit of the PBGC—now over $23 billion—has been growing.

We now have a bill in conference that I hope will be brought back before the Senate soon. And I hope that the simple provision that I am introducing today can be added to that legislation.

It is the perfect time to make the position subject to Senate approval. The current executive director is leaving the PBGC at the end of May. And his replacement should be subject to Senate confirmation.

The PBGC is a government corporation that was created when ERISA was enacted in 1974. It is established within the Department of Labor. Labor controls PBGC for many administrative matters. But PBGC has its own budget, which goes through the PBGC Board, and PBGC's attorneys litigate their own cases. PBGC is controlled by a 3-person Board made up of the Secretary of Labor, as the Chairman of the PBGC, and the Secretaries of the Treasury and Commerce.

PBGC is run on a day-to-day basis by an executive director. This position is not mentioned in ERISA but is a creation of the PBGC by-laws adopted by the board. The Secretary of Labor appoints the executive director, who is a political appointee. Executive directors have stayed on average a couple of years.

The PBGC insures the pensions of 40 million workers and retirees in about 30,000 plans. These plans have trillions of dollars in assets. PBGC itself has more than $40 billion in assets, more than $63 billion in liabilities, and a $23 billion deficit. Even with the rush to terminate or freeze current plans, most of the Nation's biggest companies still maintain defined benefit plans. What happens with defined benefit plans has a big effect on America's competitiveness and affects the retirement security of America's workers and retirees.

Making the executive director's position an advice and consent position would give the Senate say in what type of person serves in this position so that PBGC does not become another FEMA. It would show the importance that Congress attaches to the role of the PBGC for workers, retirees and employers. It would raise the attraction of the PBGC director position.

I ask my colleagues to support making the PBGC executive director position subject to Senate approval.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2919

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''PBGC Confirmation Act of 2006''.

**SEC. 2. DIRECTOR OF THE PENSION BENEFIT GUARANTY CORPORATION.**

(a) IN GENERAL.—Title IV of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1301 et seq.) is amended—

(1) by striking the second sentence of section 4002(a) and inserting the following: ''In carrying out its functions under this title, the corporation shall be administered by a

Director, who shall be appointed by and with the advice and consent of the Senate and who shall act in accordance with the policies established by the board.''; and

(2) in section 4003(b), by—

(A) striking ''under this title, any member'' and inserting ''under this title, the Director, any member''; and

(B) striking ''designated by the chairman'' and inserting ''designated by the Director or chairman''.

(b) COMPENSATION OF DIRECTOR.—Section 5315 of title 5, United States Code, is amended by adding at the end the following new item:

''Director, Pension Benefit Guaranty Corporation.''.

(c) JURISDICTION OF NOMINATION.—

(1) IN GENERAL.—The Committee on Finance of the Senate and the Committee on Health, Education, Labor, and Pensions of the Senate shall have joint jurisdiction over the nomination of a person nominated by the President to fill the position of Director of the Pension Benefit Guaranty Corporation under section 4002 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302) (as amended by this Act), and if one committee votes to order reported such a nomination, the other shall report within 30 calendar days, or be automatically discharged.

(2) RULEMAKING OF THE SENATE.—This subsection is enacted by Congress—

(A) as an exercise of rulemaking power of the Senate, and as such it is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a nomination described in such sentence, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of the Senate to change the rules (so far as relating the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

(d) TRANSITION.—The term of the individual serving as Executive Director of the Pension Benefit Guaranty Corporation on the date of enactment of this Act shall expire on such date of enactment. Such individual, or any other individual, may serve as interim Director of such Corporation until an individual is appointed as Director of such Corporation under section 4002 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302) (as amended by this Act).

**SEC. 3. PENALTY FOR FAILURE TO FILE AN ACTUARIAL REPORT.**

Section 6692 of the Internal Revenue Code of 1986 is amended by adding at the end the following: ''Beginning with plan years beginning in 2005, in the case of a plan to which section 412(l) applied for a plan year, there shall be assessed, in lieu of the penalty in the preceding sentence, a tax equal to 0.1 percent of the plan's unfunded current liability under section 412(l)(8)(A) for the plan year to which the report relates, but in no case less than $1,000 or more than $5,000.''.

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By Mr. REID (for Mr. BIDEN):

S. 2920. A bill to amend the Safe Drinking Water Act to eliminate security risks by replacing the use of extremely hazardous gaseous chemicals with inherently safer technologies; to the Committee on Environment and Public Works.

Mr. BIDEN. Mr. President. I rise today to introduce the Community Water Treatment Hazards Reduction Act of 2006. This legislation would completely eliminate a known security risk to millions of Americans across the United States by facilitating the transfer to safer technologies from deadly toxic chemicals at our Nation's water treatment facilities.

Across our Nation, there are thousands of water treatment facilities that utilize gaseous toxic chemicals to treat drinking and wastewater. Approximately 2,850 facilities are currently regulated under the Clean Air Act because they store large, quantities of these dangerous chemicals. In fact, 98 of these facilities threaten over 100,000 citizens. For example, the Fiveash Water Treatment Plant in Fort Lauderdale, FL threatens 1,526,000 citizens. The Bachman Water Treatment in Dallas, TX threatens up to 2,000,000 citizens. And there are similar examples in communities throughout the Nation. If these facilities—and the 95 other facilities that threaten over 100,000 citizens—switched from the use of toxic chemicals to safer technologies that are widely used within the industry we could completely eliminate a known threat to nearly 50 million Americans.

Many facilities have already made the prudent decision to switch without intervention by government. The Middlesex County Utilities Authority in Sayreville, NJ, switched to safer technologies and eliminated the risk to 10.7 million people. The Nottingham Water Treatment Plant in Cleveland, OH switched and eliminated the risk to 1.1 million citizens. The Blue Plains Wastewater Treatment Plant switched and eliminated the risk to 1.7 million people. In my hometown of Wilmington, DE, the Wilmington Water Pollution Control Facility switched from using chlorine gas to liquid bleach. This commendable decision has eliminated the risk to 560,000 citizens, including the entire city of Wilmington. In fact, this facility no longer has to submit risk management plans to the Environmental Protection Agencies required by the Clean Air Act because the threat has been completely eliminated. There are many other examples of facilities that have done the right thing and eliminated the use of these dangerous, gaseous chemicals.

The bottom line is that if we can eliminate a known-risk, we should. The legislation I am introducing today will do just that. It will require the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Homeland Security, to do a few simple things. First, water facilities will be prioritized based upon the risk that they pose to citizens and critical infrastructure. These facilities—beginning with the most dangerous ones—will be required to submit a report on the feasibility of utilizing safer technologies and the anticipated costs to transition. If grant funding is available, the Administrator will issue a grant and order the facility to transition to the safer technology chosen by the owner of the facility. I believe that this approach will allow us to use federal funds responsibly while reducing risk to our citizens.

Once the transition is complete, the facility will be required to track all cost-savings related to the switch, such as decreased security costs, costs savings by eliminating administrative requirements under the EPA risk management plan, lower insurance premiums, and others. If savings are ultimately realized by the facility, it will be required to return one half of these saving, not to exceed the grant amount, back to the EPA. In turn, the EPA will utilize any returned savings to help facilitate the transition of more water facilities.

A 2005 report by the Government Accountability Office found that providing grants to assist water facilities to transition to safer technologies was an appropriate use of federal funds. The costs for an individual facility to transition will vary, but the cost is very cheap when you consider the security benefit. For example, the Wilmington facility invested approximately $160,000 to transition and eliminated the risk to nearly 600,000 people. Similarly, the Blue Plains facility spent $500,000 to transition after 9/11 and eliminated the risk to 1.2 million citizens immediately. This, in my view, is a sound use of funds. And, this legislation will provide sufficient funding to transition all of our high-priority facilities throughout the Nation.

Finally, I would like to point out that facilities making the decision to transition after 9/11, but before the enactment date of this legislation will be eligible to participate in the program authorized by this legislation. I've included this provision because I believe that the federal government should acknowledge—and promote—local decisions that enhance our homeland security. In addition we don't want to create a situation where water facilities wait for Federal funding before doing the right thing and eliminating those dangerous gaseous chemicals.

Last December the 9/11 Discourse Project released its report card for the administration and Congress on efforts to implement the 9/11 Commission recommendations. It was replete with D's and F's demonstrating that we have been going in the wrong direction with respect to homeland security. One of the most troubling findings made by the 9/11 Commission is that with respect to our Nation's critical infrastructure that ''no risk and vulnerability assessments actually made; no national priorities established; no recommendations made on allocations of scarce resources. All key decisions are at least a year away. It is time that we stop talking about priorities and actually get some.'' While much remains to be done, the Community Water Treatment Hazards Reduction Act of 2006 sets an important priority for our homeland security and it affirmatively addresses it. I urge my colleagues to support this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2920

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Community Water Treatment Hazards Reduction Act of 2006''.

**SEC. 2. USE OF INHERENTLY SAFER TECHNOLOGIES AT WATER FACILITIES.**

Part F of the Safe Drinking Water Act (42 U.S.C. 300j–21 et seq.) is amended by adding at the end the following:

**''SEC. 1466. USE OF INHERENTLY SAFER TECHNOLOGIES AT WATER FACILITIES.**

''(a) DEFINITIONS.—In this section:

''(1) HARMFUL INTENTIONAL ACT.—The term 'harmful intentional act' means a terrorist attack or other intentional act carried out upon a water facility that is intended—

''(A) to substantially disrupt the ability of the water facility to provide safe and reliable—

''(i) conveyance and treatment of wastewater or drinking water;

''(ii) disposal of effluent; or

''(iii) storage of a potentially hazardous chemical used to treat wastewater or drinking water;

''(B) to damage critical infrastructure;

''(C) to have an adverse effect on the environment; or

''(D) to otherwise pose a significant threat to public health or safety.

''(2) INHERENTLY SAFER TECHNOLOGY.—The term 'inherently safer technology' means a technology, product, raw material, or practice the use of which, as compared to the current use of technologies, products, raw materials, or practices, significantly reduces or eliminates—

''(A) the possibility of release of a substance of concern; and

''(B) the hazards to public health and safety and the environment associated with the release or potential release of a substance of concern.

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security (or a designee).

''(4) SUBSTANCE OF CONCERN.—

''(A) IN GENERAL.—The term 'substance of concern' means any chemical, toxin, or other substance that, if transported or stored in a sufficient quantity, would have a high likelihood of causing casualties and economic damage if released or otherwise successfully targeted by a harmful intentional act, as determined by the Administrator, in consultation with the Secretary.

''(B) INCLUSIONS.—The term 'substance of concern' includes—

''(i) any substance included in Table 1 or 2 contained in section 68.130 of title 40, Code of Federal Regulations (or a successor regulation), published in accordance with section 112(r)(3) of the Clean Air Act (42 U.S.C. 7412(r)(3)); and

''(ii) any other highly hazardous gaseous toxic material or substance that, if transported or stored in a sufficient quantity, could cause casualties or economic damage if released or otherwise successfully targeted by a harmful intentional act, as determined by the Administrator, in consultation with the Secretary.

''(5) TREATMENT WORKS.—The term 'treatment works' has the meaning given the term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

''(6) VULNERABILITY ZONE.—The term 'vulnerability zone' means, with respect to a substance of concern, the geographic area that would be affected by a worst-case release of the substance of concern, as determined by the Administrator on the basis of—

''(A) an assessment that includes the information described in section 112(r)(7)(B)(ii)(I) of the Clean Air Act (42 U.S.C. 7412(r)(7)(B)(ii)(I)); or

''(B) such other assessment or criteria as the Administrator determines to be appropriate.

''(7) WATER FACILITY.—The term 'water facility' means a treatment works or public water system owned or operated by any person.

''(b) REGULATIONS.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Administrator, in consultation with the Secretary and other Federal, State, and local governmental entities, security experts, owners and operators of water facilities, and other interested persons shall—

''(A) compile a list of all high-consequence water facilities, as determined in accordance with paragraph (2); and

''(B) notify each owner and operator of a water facility that is included on the list.

''(2) IDENTIFICATION OF HIGH-CONSEQUENCE WATER FACILITIES.—

''(A) IN GENERAL.—Subject to subparagraph (B), in determining whether a water facility is a high-consequence water facility, the Administrator shall consider—

''(i) the number of people located in the vulnerability zone of each substance of concern that could be released at the water facility;

''(ii) the critical infrastructure (such as health care, governmental, or industrial facilities or centers) served by the water facility;

''(iii) any use by the water facility of large quantities of 1 or more substances of concern; and

''(iv) the quantity and volume of annual shipments of substances of concern to or from the water facility.

''(B) TIERS OF FACILITIES.—

''(i) IN GENERAL.—Except as provided in clauses (ii) through (iv), the Administrator shall classify high-consequence water facilities designated under this paragraph into 3 tiers, and give priority to orders issued for, actions taken by, and other matters relating to the security of, high-consequence water facilities based on the tier classification of the high-consequence water facilities, as follows:

''(I) TIER 1 FACILITIES.—A Tier 1 high-consequence water facility shall have a vulnerability zone that covers more than 100,000 individuals and shall be given the highest priority by the Administrator.

''(II) TIER 2 FACILITIES.—A Tier 2 high-consequence water facility shall have a vulnerability zone that covers more than 25,000, but not more than 100,000, individuals and shall be given the second-highest priority by the Administrator.

''(III) TIER 3 FACILITIES.—A Tier 3 high-consequence water facility shall have a vulnerability zone that covers more than 10,000, but not more than 25,000, individuals and shall be given the third-highest priority by the Administrator.

''(ii) MANDATORY DESIGNATION.—If the vulnerability zone for a substance of concern at a water facility contains more than 10,000 individuals, the water facility shall be—

''(I) considered to be a high-consequence water facility; and

''(II) classified by the Administrator to an appropriate tier under clause (i).

''(iii) DISCRETIONARY CLASSIFICATION.—A water facility with a vulnerability zone that covers 10,000 or fewer individuals may be designated as a high consequence facility, on the request of the owner or operator of a water facility, and classified into a tier described in clause (i), at the discretion of the Administrator.

''(iv) RECLASSIFICATION.—The Administrator—

''(I) may reclassify a high-consequence water facility into a tier with higher priority, as described in clause (i), based on an increase of population covered by the vulnerability zone or any other appropriate factor, as determined by the Administrator; but

''(II) may not reclassify a high-consequence water facility into a tier with a lower priority, as described in clause (i), for any reason.

''(3) OPTIONS FEASIBILITY ASSESSMENT ON USE OF INHERENTLY SAFER TECHNOLOGY.—

''(A) IN GENERAL.—Not later than 90 days after the date on which the owner or operator of a high-consequence water facility receives notice under paragraph (1)(B), the owner or operator shall submit to the Administrator an options feasibility assessment that describes—

''(i) an estimate of the costs that would be directly incurred by the high-consequence water facility in transitioning from the use of the current technology used for 1 or more substances of concern to inherently safer technologies; and

''(ii) comparisons of the costs and benefits to transitioning between different inherently safer technologies, including the use of—

''(I) sodium hypochlorite;

''(II) ultraviolet light;

''(III) other inherently safer technologies that are in use within the applicable industry; or

''(IV) any combination of the technologies described in subclauses (I) through (III).

''(B) CONSIDERATIONS IN DETERMINING ESTIMATED COSTS.—In estimating the transition costs described in subparagraph (A)(i), an owner or operator of a high-consequence water facility shall consider—

''(i) the costs of capital upgrades to transition to the use of inherently safer technologies;

''(ii) anticipated increases in operating costs of the high-consequence water facility;

''(iii) offsets that may be available to reduce or eliminate the transition costs, such as the savings that may be achieved by—

''(I) eliminating security needs (such as personnel and fencing);

''(II) complying with safety regulations;

''(III) complying with environmental regulations and permits;

''(IV) complying with fire code requirements;

''(V) providing personal protective equipment;

''(VI) installing safety devices (such as alarms and scrubbers);

''(VII) purchasing and maintaining insurance coverage;

''(VIII) conducting appropriate emergency response and contingency planning;

''(IX) conducting employee background checks; and

''(X) potential liability for personal injury and damage to property; and

''(iv) the efficacy of each technology in treating or neutralizing biological or chemical agents that could be introduced into a drinking water supply by a terrorist or act of terrorism.

''(C) USE OF INHERENTLY SAFER TECHNOLOGIES.—

''(i) IN GENERAL.—Subject to clause (ii), not later than 90 days after the date of submission of the options feasibility assessment required under this paragraph, the owner or operator of a high-consequence water facility, in consultation with the Administrator,

the Secretary, the United States Chemical Safety and Hazard Investigation Board, local officials, and other interested parties, shall determine which inherently safer technologies are to be used by the high-consequence water facility.

''(ii) CONSIDERATIONS.—In making the determination under clause (i), an owner or operator—

''(I) may consider transition costs estimated in the options feasibility assessment of the owner or operator (except that those transition costs shall not be the sole basis for the determination of the owner or operator);

''(II) shall consider long-term security enhancement of the high-consequence water facility;

''(III) shall consider comparable water facilities that have transitioned to inherently safer technologies; and

''(IV) shall consider the overall security impact of the determination, including on the production, processing, and transportation of substances of concern at other facilities.

''(c) ENFORCEMENT.—

''(1) IN GENERAL.—In accordance with the tiers and priority system established under subsection (b)(2)(B), subject to paragraph (2), the Administrator—

''(A) shall prioritize the use of inherently safer technologies at high-consequence facilities listed under subsection (b)(1);

''(B) subject to the availability of grant funds under this section, not later than 90 days after the date on which the Administrator receives an options feasibility assessment from an owner or operator of a high-consequence water facility under subsection (b)(3)(A), shall issue an order requiring the high-consequence water facility to eliminate the use of 1 or more substances of concern and adopt 1 or more inherently safer technologies; and

''(C) may seek enforcement of an order issued under paragraph (2) in the appropriate United States district court.

''(2) DE MINIMIS USE.—Nothing in this section prohibits the de minimis use of a substance of concern as a residual disinfectant.

''(d) GRANTS.—

''(1) IN GENERAL.—In accordance with the tiers and priority system established under subsection (b)(2)(B), the Administrator shall provide grants to high-consequence facilities (including high-consequence facilities subject to an order issued under subsection (c)(1)(C) and water facilities described in paragraph (6)) for use in paying capital expenditures directly required to complete the transition of the high-consequence water facility to the use of 1 or more inherently safer technologies.

''(2) APPLICATION.—A high-consequence water facility that seeks to receive a grant under this subsection shall submit to the Administrator an application by such date, in such form, and containing such information as the Administrator shall require, including information relating to the transfer to inherently safer technologies, and the proposed date of such a transfer, described in subsection (b)(3)(B).

''(3) DEADLINE FOR TRANSITION.—An owner or operator of a high-consequence water facility that is subject to an order under subsection (c)(1)(C) and that receives a grant under this subsection shall begin the transition to inherently safer technologies described in paragraph (1) not later than 90 days after the date of issuance of the order under subsection (c)(1)(C).

''(4) FACILITY UPGRADES.—An owner or operator of a high-consequence water facility—

''(A) may complete the transition to inherently safer technologies described in paragraph (1) within the scope of a greater facility upgrade; but

''(B) shall use amounts from a grant received under this subsection only for the capital expenditures directly relating to the transition to inherently safer technologies.

''(5) OPERATIONAL COSTS.—An owner or operator of a high-consequence water facility that receives a grant under this subsection may not use funds from the grant to pay or offset any ongoing operational cost of the high-consequence water facility.

''(6) OTHER REQUIREMENTS.—As a condition of receiving a grant under this subsection, the owner or operator of a high-consequence water facility shall—

''(A) upon receipt of a grant, track all cost savings resulting from the transition to inherently safer technologies, including those savings identified in subsection (b)(4)(B)(iii); and

''(B) for each fiscal year for which grant funds are received, return an amount to the Administrator equal to 50 percent of the savings achieved by the high-consequence water facility (but not to exceed the amount of grant funds received for the fiscal year) for use by the Administrator in facilitating the future transition of other high-consequence water facilities to the use of inherently safer technologies.

''(7) INTERIM TRANSITIONS.—A water facility that transitioned to the use of 1 or more inherently safer technologies after September 11, 2001, but before the date of enactment of this section, and that qualifies as a high-consequence facility under subsection (b)(2), in accordance with any previous report submitted by the water facility under section 112(r) of the Clean Air Act (42 U.S.C. 7412(r)) and as determined by the Administrator, shall be eligible to receive a grant under this subsection.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $125,000,000 for each of fiscal years 2007 through 2011.''.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 485—TO EXPRESS THE SENSE OF THE SENATE CONCERNING THE VALUE OF FAMILY PLANNING FOR AMERICAN WOMEN

Mrs. CLINTON (for herself, Ms. CANTWELL, Mr. MENENDEZ, Mr. KERRY, Mr. LAUTENBERG, Mrs. MURRAY Mr. KENNEDY, Mr. SCHUMER, Mrs. BOXER, Mr. HARKIN, Mrs. FEINSTEIN, and Ms. LANDRIEU) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 485

Whereas the United States has one of the highest rates of abortion in the industrialized world;

Whereas reducing unintended pregnancies will reduce the number of abortions;

Whereas one of the most effective ways to prevent unintended pregnancy is to improve access to safe, affordable, effective family planning;

Whereas contraceptive use has declined (slightly among all women and precipitously among low-income women) and, as a result, unplanned pregnancy rates have risen among low-income women by 30 percent;

Whereas the impact of contraceptive use is hard to overstate — 11 percent of women in the United States who do not use contraception account for ½ of all unintended pregnancies;

Whereas low-income women today are 4 times as likely to have an unintended pregnancy and more than 4 times as likely to have an abortion as higher-income women;

Whereas abortion rates have increased among low-income women, even as they have continued to decrease among more affluent women;

Whereas 12,800,000 women of reproductive age are uninsured and 9,300,000 women of reproductive age live in poverty;

Whereas lack of coverage for contraception and other health care costs result in women of reproductive age paying 68 percent more in out-of-pocket costs for health care services than do men of the same age;

Whereas family planning is a vital part of helping women achieve the best health outcomes for both women and their babies; and

Whereas Women's Health Week is a time to recognize the important role family planning services play in the lives of women across the United States: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) Congress should help women, regardless of income, avoid unintended pregnancy and abortion through access to affordable contraception; and

(2) Congress should support programs and policies that make it easier for women to obtain contraceptives.

### SENATE RESOLUTION 486—DESIGNATING JUNE 2006 AS ''NATIONAL INTERNET SAFETY MONTH''

Ms. MURKOWSKI (for herself, Mr. ALLEN, Mr. CRAIG, Mr. STEVENS, Mr. VITTER, Ms. LANDRIEU, Mrs. DOLE, Mr. CRAPO, Mr. BURNS, Mrs. LINCOLN, Mr. WARNER, Mr. JOHNSON, Mr. ROBERTS, Mr. SANTORUM, and Mr. DEWINE) submitted the following resolution; which was considered and agreed to:

S. RES. 486

Whereas, in the United States, more than 90 percent of children between the ages of 5 years old and 17 years old, or approximately 47,000,000 children, now use computers;

Whereas approximately 59 percent of children in that age group, or approximately 31,000,000 children, use the Internet;

Whereas approximately 26 percent of the children of the United States in grades 5 through 12 are online for more than 5 hours a week;

Whereas approximately 12 percent of those children spend more time online than they spend interacting with their friends;

Whereas approximately 53 percent of the children and teens of the United States like to be alone when ''surfing'' the Internet;

Whereas approximately 29 percent of those children believe that their parents would express concern, restrict their Internet use, or take away their computer if their parents knew which sites they visited while surfing on the Internet;

Whereas approximately 32 percent of the students of the United States in grades 5 through 12 feel that they have the skills to bypass protections offered by the installation of filtering software;

Whereas approximately 31 percent of the youths of the United States have visited an inappropriate website on the Internet;

Whereas approximately 18 percent of those children have visited an inappropriate website more than once;

Whereas approximately 51 percent of the students of the United States in grades 5 through 12 trust the individuals that they chat with on the Internet;

Whereas approximately 33 percent of the students of the United States in grades 5